

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There are two Extraordinary issues to the Official Gazette, Series I No. 6 dated 9-5-96 as follows:—

- 1) Extraordinary dated 9-5-1996 from pages 63 to 66 regarding Notification from Department of Finance, Budget Division.
- 2) Extraordinary No. 2 dated 9-5-1996 from pages 67 to 68 regarding Notification from Department of Fisheries.

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

12/2/94-95/LA

The Securities Laws (Amendment) Act, 1995 (Central Act 9 of 1995) which has been passed by Parliament and assented to by the President of India on 25th March, 1995 and published in the Gazette of India, Extraordinary, Part II, section I, dated 25th March, 1995 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 6th December, 1995.

The Securities Laws (Amendment) Act, 1995

AN

ACT

to amend the Securities and Exchange Board of India Act, 1992 and further to amend the Securities Contracts (Regulation) Act, 1956.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Securities Laws (Amendment) Act, 1995.

(2) It shall be deemed to have come into force on the 25th day of January, 1995.

CHAPTER II

Amendment to the Securities and Exchange Board of India Act, 1992

2. *Amendment of section 2.*— In section 2 of the Securities and Exchange Board of India Act, 1992 (hereafter in this Chapter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Words and expressions used and not defined in this Act but defined in the Securities Contracts (Regulation) Act, 1956 shall have the meanings respectively assigned to them in that Act.”

3. *Amendment of section 6.*— In section 6 of the principal Act, the brackets and figure “(1)” and clause (d) shall be omitted.

4. *Insertion of new section 7A.*— After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. *Member not to participate in meeting in certain cases.*— Any member, who is a director of a company and who as such direct has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board, shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that matter.”

5. *Amendment of section 11.*— In section 11 of the principal Act,—

(a) in sub-section (2),—

(i) after (b), the following clause shall be inserted, namely:—

“(ba) registering and regulating the working of the depositories, custodians of securities, foreign institutional investors, credit rating agencies and such other intermediaries as the Board may, by notification, specify in this behalf;”;

(ii) clause (c), for the words "collective investment schemes", the words "venture capital funds and collective investment schemes" shall be substituted;

(iii) in clause (i), for the words "stock exchanges and", the words "stock exchange, mutual funds, other persons associated with the securities market" shall be substituted;

(iv) in clause (j), the words, brackets and figures "the Capital Issues (Control) Act, 1947 and" shall be 29 of 1947. omitted;

(v) after clause (l), the following clause shall be inserted, namely:—

"(la) calling from or furnishing to any such agencies, as may be specified by the Board, such information as may be considered necessary by it for the efficient discharge of its functions;"

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in any other law for the time being in force while exercising the powers under clause (i) of sub-section (2), the Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

(i) the discovery and production of books of account and other documents, at such place and such time as may be specified by the Board;

(ii) summoning and enforcing the attendance of persons and examining them on oath;

(iii) inspection of any books, registers and other documents of any person referred to in section 12, at any place."

6. *Insertion of new sections 11A and 11B.*— After section 11 of the principal Act, the following sections shall be inserted, namely:—

"11A. *Matters to be disclosed by the companies.*— Without prejudice to the provisions of the Companies Act, 1956, 1 of 1956. the Board may, for the protection of investors, specify, by regulations,—

(a) the matters relating to issue of capital, transfer of securities and other matters incidental thereto; and

(b) the manner in which such matters, shall be disclosed by the companies.

11B. *Power to issue directions.*— Save as otherwise provided in section 11, if after making or causing to be made an enquiry, the Board is satisfied that it is necessary —

(i) in the interest, of investors, or orderly development of securities market; or

(ii) to prevent the affairs of any intermediary or other persons referred to in section 12 being conducted in a manner detrimental to the interests of investors or securities market; or

(iii) to secure the proper management of any such intermediary or person,

it may issue such directions,—

(a) to any person or class of persons referred to in section 12, or associated with the securities market; or

(b) to any company in respect of matters specified in section 11A,

as may be appropriate in the interests of investors in securities and the securities market."

7. *Amendment of section 12.*— In section 12 of the principal Act,—

(a) in sub-section (1),—

(i) for the word "rules", the word "regulations" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that any certificate of registration, obtained immediately before the commencement of the Securities Laws (Amendment) Act, 1995, shall be deemed to have been obtained from the Board in accordance with the regulations providing for such registration."

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) No depository, custodian of securities, foreign institutional investor, credit rating agency or any other intermediary associated with the securities market as the Board may by notification in this behalf specify, shall buy or sell or deal in securities except under and in accordance with the conditions of a certificate of registration obtained from the Board in accordance with the regulations made under this Act:

Provided that a person buying or selling securities or otherwise dealing with the securities market as a depository, custodian of securities, foreign institutional investor or credit rating agency immediately before the commencement of the Securities Laws (Amendment) Act, 1995, for which no certificate of registration was required prior to such commencement, may continue to buy or sell securities or otherwise deal with the securities market until such time regulations are made under clause (d) of sub-section (2) of section 30.

(1B) No person shall sponsor or cause to be sponsored or carry on or cause to be carried on any venture capital funds or collective investment scheme including mutual funds, unless he obtain a certificate of registration from the Board in accordance with the regulations:

Provided that any person sponsoring or causing to be sponsored, carrying or causing to be

carried on any venture capital funds or collective investment scheme operating in the securities market immediately before the commencement of the Securities Laws (Amendment) Act, 1995 for which no certificate of registration was required prior to such commencement may continue to operate till such time regulations are made under clause (d) of sub-section (2) of section 30."

8. *Amendment of section 14.*— In section 14 of the principal Act, in sub-section (1),—

(i) in clause (a), the word "and" occurring at the end shall be omitted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) all sums realised by way of penalties under this Act;
and"

9. *Insertion of new Chapters VIA and VIB.*— After Chapter VI of the principal Act the following Chapters shall be inserted, namely:—

"CHAPTER VIA

Penalties and Adjudication

15A. *Penalty for failure to furnish information, return, etc.*— If any person, who is required under this Act or any rules or regulations made thereunder,—

(a) to furnish any document, return or report to the Board, fails to furnish the same, he shall be liable to a penalty not exceeding one lakh and fifty thousand rupees for each such failure;

(b) to file any return or furnish any information, books or other documents within the time specified therefor in the regulations, fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding five thousand rupees for every day during which such failure continues;

(c) to maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding ten thousand rupees for every day during which the failure continues.

* 15B. *Penalty for failure by any person to enter into agreement with clients.*— If any person, who is registered as an intermediary and is required under this Act or any rules or regulations made thereunder to enter into an agreement with his client, fails to enter into such agreement, he shall be liable to a penalty not exceeding five lakh rupees for every such failure.

15C. *Penalty for failure to redress investors' grievances.*— If any person, who is registered as an intermediary, after having been called upon by the Board in writing to redress the grievances of investors, fails to redress such grievances, he shall be liable to a penalty not exceeding ten thousand rupees for each such failure.

15D. *Penalty for certain defaults in case of mutual funds.*— If any person, who is —

(a) required under this Act or any rules or regulations made thereunder to obtain a certificate of registration from the Board for sponsoring or carrying on any collective investment scheme, including mutual funds, sponsors or carries on any collective investment scheme, including mutual funds, without obtaining such certificate of registration, he shall be liable to a penalty not exceeding ten thousand rupees for each day during which he carries on any such collective investment scheme, including mutual funds, or ten lakh rupees, whichever is higher;

(b) registered with the Board as a collective investment scheme, including mutual funds, for sponsoring or carrying on any investment scheme, fails to comply with the terms and conditions of certificate of registration, he shall be liable to a penalty not exceeding ten thousand rupees for each day during which such failure continues or ten lakh rupees, whichever is higher;

(c) registered with the Board as a collective investment scheme including mutual funds, fails to make an application for listing of its schemes as provided for in the regulations governing such listing, he shall be liable to a penalty not exceeding five thousand rupees for each day during which such failure continues or five lakh rupees, whichever is higher;

(d) registered as a collective investment scheme, including mutual funds, fails to despatch unit certificates of any scheme in the manner provided in the regulation governing such despatch, he shall be liable to a penalty not exceeding one thousand rupees for each day during which such failure continues;

(e) registered as a collective investment scheme, including mutual funds, fails to refund the application monies paid by the investors within the period specified in the regulations, he shall be liable to a penalty not exceeding one thousand rupees for each day during which such failure continues;

(f) registered as a collective investment scheme, including mutual funds, fails to invest money collected by such collective investment schemes in the manner or within the period specified in the regulations, he shall be liable to a penalty not exceeding five lakh rupees for each such failure.

15E. *Penalty for failure to observe rules and regulations by an asset management company.*— whose any asset management company of a mutual fund registered under this Act fails to comply with any of the regulations providing for restrictions on the activities of the asset management companies, such asset management company shall be liable to a penalty not exceeding five lakh rupees for each such failure.

15F. Penalty for default in case of stock brokers.— If any person, who is registered as a stock broker under this Act,—

(a) fails to issue contract notes in the form and manner specified by the stock exchange of which such broker is a member, he shall be liable to a penalty not exceeding five times the amount for which the contract note was required to be issued by that broker;

(b) fails to deliver any security or fails to make payment of the amount due to the investor in the manner within the period specified in the regulations, he shall be liable to a penalty not exceeding five thousand rupees for each day during which such failure continues;

(c) charges an amount of brokerage which is in excess of the brokerage specified in the regulations, he shall be liable to a penalty not exceeding five thousand rupees or five times the amount of brokerage charged in excess of the specified brokerage, whichever is higher.

15G. Penalty for insider trading.— If any insider who,—

(i) either on his own behalf or on behalf of any other person, deals in securities of a body corporate listed on any stock exchange on the basis of any unpublished price sensitive information; or

(ii) communicates any unpublished price sensitive information to any person, with or without his request for such information except as required in the ordinary course of business or under any law; or

(iii) counsels, or procures for any other person to deal in any securities of any body corporate on the basis of unpublished price sensitive information,

shall be liable to a penalty not exceeding five lakh rupees.

15H. Penalty for non-disclosure of acquisition of shares and takeovers.— If any person, who is required under this Act or any rules or regulations made thereunder, fails to—

(i) disclose the aggregate of his share holding in the body corporate he acquires any shares of that body corporate; or

(ii) make a public announcement to acquire shares at a minimum price,

he shall be liable to a penalty not exceeding five lakh rupees,

15-I. Power to adjudicate.— (1) For the purpose of adjudging under sections 15A, 15B, 15C, 15D, 15E, 15F, 15G and 15H the Board shall appoint any officer not below the rank of a Division Chief to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce

the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry, and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the sections specified in sub-section (1), he may impose such penalty as he thinks fit in accordance with the provisions of any of those sections.

15J. Factors to be taken into account by the adjudicating Officer.— While adjudging the quantum of penalty under section 15-I, the adjudicating officer shall have due regard to the following factors, namely:—

(a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;

(b) the amount of loss caused to an investor or group of investors as a result of the default;

(c) the repetitive nature of the default.

CHAPTER VI B

Establishment, Jurisdiction Authority and procedure of Appellate Tribunal

15K. Establishment of Securities Appellate Tribunals.— (1) The Central Government shall by notification, establish one or more Appellate Tribunals to be known as the Securities Appellate Tribunal to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act.

(2) The Central Government shall also specify in the notification referred to in sub-section (1) the matters and places in relation to which the Securities Appellate Tribunal may exercise jurisdiction.

15L. Composition of Securities Appellate Tribunal.— A Securities Appellate Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Securities Appellate Tribunal) to be appointed, by notification, by the Central Government.

15M. Qualifications for appointment as Presiding Officer of the Securities Appellate Tribunal.— A person shall not be qualified for appointment as the Presiding Officer of a Securities Appellate Tribunal unless he —

(a) is, or has been, or is qualified to be, a Judge of a High Court; or

(b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years; or

(c) has held office as the Presiding Officer of a Tribunal for at least three years.

15N. Term of Office.— The Presiding Officer of a Securities Appellate Tribunal shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

15O. *Salary and allowances and other terms and conditions of service of Presiding Officers.*— The salary and allowances payable to and the other terms and conditions of service including pension, gratuity and other retirement benefits of, the Presiding Officer of a Securities Appellate Tribunal shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the said Presiding Officers shall be varied to their disadvantage after appointment.

15P. *Filling up of vacancies.*— If, for reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of a Securities Appellate Tribunal then the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Securities Appellate Tribunal from the stage at which the vacancy is filled.

15Q. *Resignation and removal.*— (1) The Presiding Officer of a Securities Appellate Tribunal may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the said Presiding Officer shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Presiding Officer of a Securities Appellate Tribunal shall not be removed from his office except by an order by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court, in which the Presiding Officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges.

(3) The Central Government may by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Presiding Officer.

15R. *Orders constituting Appellate Tribunal to be final and not to invalidate its proceedings.*— No order of the Central Government appointing any person as the Presiding Officer of a Securities Appellate Tribunal shall be called in question in any manner, and no act or proceeding before a Securities Appellate Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of a Securities Appellate Tribunal.

15S. *Staff of the Securities Appellate Tribunal.*— (1) The Central Government shall provide the Securities Appellate Tribunal with such officers and employees as that Government may think fit.

(2) The officers and employees of the Securities Appellate Tribunal shall discharge their functions under general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the officers and employees of the Securities Appellate Tribunal shall be such as may be prescribed.

15T. *Appeal to the Securities Appellate Tribunal.*— (1) Save as provided in sub-section (2), any person aggrieved by an order made by an adjudicating officer under this Act, may prefer an appeal to a Securities Appellate Tribunal having jurisdiction in the matter.

(2) No appeal shall lie to the Securities Appellate Tribunal from an order made by an adjudicating officer with the consent of the parties.

(3) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made by the adjudicating officer is received by him and it shall be in such form and be accompanied by such fee as may be prescribed:

Provided that the Securities Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(4) On receipt of an appeal under sub-section (1), the Securities Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(5) The Securities Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned adjudicating officer.

(6) The appeal filed before the Securities Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within six months from the date of receipt of the appeal.

15U. *Procedure and powers of the Securities Appellate Tribunal.*— (1) The Securities Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules, the Securities Appellate Tribunal shall have powers to regulate their own procedure including the places at which they shall have their sittings.

(2) The Securities Appellate Tribunal shall have, for the purposes of discharging their functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application for default or deciding it *ex parte*;

(g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;

(h) any other matter which may be prescribed.

(3) Every proceeding before the Securities Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Securities Appellate Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1960. 2 of 1974.

15V. *Right to legal representation.*— The appellant may either appear in person or authorise one or more legal practitioners or any of its officers to present his or its case before the Securities Appellate Tribunal.

15W. *Limitation.*— The provisions of the Limited Act, 1963, shall, as far as may be, apply to an appeal made to a Securities Appellate Tribunal. 46 of 1963.

15X. *Presiding Officer and staff of Securities Appellate Tribunal to be public servants.*— The Presiding Officer and other officers and employees of a Securities Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1960.

15Y. *Civil court not to have jurisdiction.*— No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an adjudicating officer appointed under this Act or a Securities Appellate Tribunal constituted under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

15Z. *Appeal to High Court.*— Any person aggrieved by any decision or order of the Securities Appellate Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Securities Appellate Tribunal to him on any question of fact or law arising out of such order:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days."

10. *Amendment of section 18.*— In section 18 of the principal Act, in sub-section (2), for the words "sixty days", the words "ninety days" shall be substituted.

11. *Insertion of new section 20A.*— After section 20 of the principal Act, the following section shall be inserted, namely:—

"20A. *Bar of jurisdiction.*— No order passed by the Board under this Act shall be appealable except as provided in section 20 and no civil court shall have jurisdiction in respect of any matter which the Board is empowered by, or under, this Act to pass any order and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any order passed by the Board by, or under, this Act."

12. *Amendment of section 23.*— In section 23 of the principal Act, after the words "against the Central Government", the words "or Board" shall be inserted.

13. *Substitution of new section for section 24.*— For section 24 of the principal Act, the following section shall be substituted, namely:—

"24. *Offences.*— (1) Without prejudice to any award of penalty by the adjudicating officer under this Act, if any person contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) If any person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any of his directions or orders, he shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees or with both."

14. *Amendment of section 26.*— In section 26 of the principal Act, in sub-section (1), the words "with the previous sanction of the Central Government" shall be omitted.

15. *Omission of section 28.*— Section 28 of the principal Act shall be omitted.

16. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section (2);—

(i) clause (c) shall be omitted;

(ii) after clause (d), the following clauses shall be inserted, namely:—

"(da) the manner of inquiry under sub-section (1) of section 15-I;

(db) the salaries and allowances and other terms and conditions of service of the Presiding Officers and other officers and employees of the Securities Appellate Tribunal under section 15.O and sub-section (3) of section 15S;

(dc) the procedure for the investigation of misbehaviour or incapacity of the Presiding

Officers of the Securities Appellate Tribunals under sub-section (3) of section 15Q;

(dd) the form in which an appeal may be filed before the Securities Appellate Tribunal under section 15T and the fees payable in respect of such appeal;".

17. *Amendment of section 30.*—In section 30 of the principal Act,—

(a) in sub-section (1), the words "with the previous approval of the Central Government," shall be omitted;

(b) in sub-section (2), for clause (c), the following clauses shall be substituted, namely:—

"(c) the matters relating to issue of capital, transfer of securities and other matters incidental thereto and the manner in which such matters shall be disclosed by the companies under section 11A;

(d) the conditions subject to which certificate of registration is to be issued, the amount of fee to be paid for certificate of registration and the manner of suspension or cancellation of certificate of registration under section 12".

CHAPTER III

Amendment to the Securities, Contracts, (Regulation) Act, 1956

18. *Amendment of preamble.*—In the Securities, Contracts (Regulation) Act, 1956 (hereinafter in this Chapter referred to as the principal Act), in the preamble, the words "by prohibiting options and" shall be omitted.

19. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (1), for the words "six months", the words "two months" shall be substituted.

20. *Amendment of section 10.*—In section 10 of the principal Act, in sub-section (3), for the words "six months", the words "two months" shall be substituted.

21. *Insertion of new section 13A.*—After section 13 of the principal Act, the following section shall be inserted, namely:—

13A. *Additional trading floor.*—A stock exchange may establish additional trading floor with the prior approval of the Securities and Exchange

Board of India in accordance with the terms and conditions stipulated by the said Board.

Explanation.—For the purposes of this section, "additional trading floor" means a trading ring or trading facility offered by a recognised stock exchange outside its area of operation to enable the investors to buy and sell securities through such trading floor under the regulatory framework of that stock exchange."

22. *Omission of section 20.*—Section 20 of the principal Act shall be omitted.

23. *Substitution of new section for section 21.*—For section 21 of the principal Act, the following section shall be substituted, namely:—

"21. *Conditions for listing.*—Where securities are listed on the application of any person in any recognised stock exchange, such person shall comply with the conditions of the listing agreement with that stock exchange."

24. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) in sub-section (1), clause (d) shall be omitted;

(b) in sub-section (2), for the words and figures "or who fails to comply with the orders of the Securities and Exchange Board of India under section 21", the words and figures "or who fails to comply with the provisions of section 21 or with the orders of" shall be substituted.

25. *Amendment of section 30.*—In section 30 of the principal Act, in sub-section (3), the words "shall be subject to the condition of previous publication and" shall be omitted.

CHAPTER IV

Repeal and Saving

26. *Repeal and saving.*—(1) The Securities Laws (Amendment) Ordinance, 1995, is hereby repealed.

Ord. 5 of 1995.

(2) Notwithstanding such repeal, anything done or any action taken under the Securities and Exchange Board of India Act, 1992 and the Securities Contracts Regulation Act, 1956, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

15 of 1992.
42 of 1956.